

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 28 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-28 (28 claims) are now pending in this application.

In response to the restriction requirement set forth in the Office Action mailed April 7, 2004, Applicant hereby **provisionally elects Species 1, Claims 1-19** for examination, with traverse.

The Examiner has required restriction between Claims 1-19 (Species I), drawn to an evaporative cooler and Claims 20-27 (Species II), drawn to an evaporative cooler and Claim 28 (Species III) drawn to an evaporative cooler.

On page 2, paragraph 1 of the Office Action, the restriction was required because the Examiner thought that three groups of species claims are disclosed and no claims are considered generic. Applicant respectfully disagrees.

Applicants submit that they believe claim 1 is generic to all the claims in the application. Applicants submit that independent claims 20 and 28 include all the limitations of claim 1, the generic claim and describe separate embodiments. Applicants believe that a single search for evaporative coolers can be covered for the claims described and claimed in the present application. Claims 20 and 28 are disclosed embodiments within the breadth and scope as defined by independent claim 1. Specifically, independent claim 20 discloses an evaporative cooler that can be attached to a building and independent claim 28 claims an

evaporative cooler having specific dimensional relationships. However, all three independent claims, and the dependent claims that depend from them, are for an evaporative cooler. See MPEP 806.04(d) and (e).

Applicants noted a typographical error in claim 28 during the review of this matter and have amended claim 28 to correct the typographical error. The typographical error was the misplacement of an additional period in the second phrase of the claim. Correction was made by deleting the period and substituting a semicolon and the conjunction "and". No new matter has been added to the application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 05-04-04

By 

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